

REMARKS

Claims 1-52 are pending in the present Application, and all claims currently stand rejected. Claims 1, 21, 43, 45, 48, and 52 are amended herein. Reconsideration of the Application in view of the foregoing amendments and the following remarks is respectfully requested.

Drawings

On page 2 of the Office Action, the Examiner indicates that Figure 7 is objected to because of certain spelling informalities. In response, Applicants herewith submit an amended Replacement Sheet for Figure 7 to correct the spelling informalities, as the Examiner requested. In view of the foregoing remarks and amendments, Applicants believe that the Examiner's objections are addressed, and respectfully request that the objection to Figure 7 be withdrawn.

Rejection under 35 U.S.C. §112, First Paragraph

On page 4 of the Office Action, the Examiner indicates that claims 1-44 are rejected as failing to comply with the written description requirement. In particular, the Examiner refers to the limitation "isochronous context data" in claims 1, 21, and 43. In response, Applicants herein amend claims 1, 21, and 43 to recite "isochronous information." Support for these amendments may be found on page 20, lines 7-24 of the Specification. In view of the foregoing remarks and amendments, Applicants believe that the Examiner's rejections are addressed,

and respectfully request that the rejections under 35 U.S.C. §112, first paragraph, be withdrawn.

Rejection under 35 U.S.C. §112, Second Paragraph

On page 5 of the Office Action, the Examiner indicates that claims 1-44 are rejected as being indefinite. In particular, the Examiner refers to the limitations “current processes” and “subsequent processes” in claims 1, 21, and 43. The Examiner takes further exception to the limitation “subsequent isochronous processes” in claim 45. In response, Applicants herein amend claims 1, 21, and 43 to recite “*said first concurrent procedures and said second concurrent procedures*” and “*future processes that are executed after said first concurrent procedures and said second concurrent procedures have been completed*” (emphasis added). Applicants submit that the foregoing amendments are supported in the Specification, page 15, line 9, to page 19, line 9, and page 20, line 26, to page 23, line 3.

On page 5 of the Office Action, the Examiner refers to the “subsequent isochronous processes” recited in claims 45-52. In response, Applicants herein delete the limitation “subsequent isochronous processes.” The Examiner also takes exception to the limitation “switching procedures” in claim 1. In response, Applicants herein delete the limitation “switching procedures” from claim 1. In view of the foregoing remarks and amendments, Applicants believe that the Examiner’s rejections are addressed, and respectfully request that the rejections under 35 U.S.C. §112, second paragraph, be withdrawn.

35 U.S.C. § 102

On page 6 of the Office Action, the Examiner rejects claims 1-3, 21-23, and 43-44 under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,528,513 to Vaitzblit et al. (hereafter Vaitzblit). The Applicants respectfully traverse these rejections for at least the following reasons.

“For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference.” *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Vaitzblit fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

Regarding the Examiner’s rejection of independent claims 1, 21, and 43, Applicants respond to the Examiner’s §102 rejections as if applied to amended claims 1, 21, and 43 which recite similar limitations. For example, claim 1 recites “*a processor that executes said first concurrent procedures and said second concurrent procedures in an uninterrupted sequence while said context control module simultaneously preloads isochronous information needed for executing future processes that are executed after said first concurrent procedures and said second concurrent procedures have been completed*” (emphasis added),” which are limitations that are not taught or suggested either by the cited reference, or by the Examiner’s citations thereto.

Vaitzblit teaches a general scheduler for multiple classes of tasks (see column 3, lines 15-55). On page 7 of the Office Action, the Examiner cites the

“queues” disclosed by Vaitzblit against Applicants claimed “simultaneously preloads isochronous information needed for executing future processes.” Applicants respectfully traverse. In particular, the Examiner cites column 4, lines 54-64, of Vaitzblit which states only that “[t]he preempted task is queued to the head of the queue . . .”

Applicants submit that the cited section of Vaitzblit nowhere mentions any type of preloading. Applicants further submit that Vaitzblit fails to teach or suggest simultaneously preloading required data for future processes while a presently-executing process is occurring. For at least the foregoing reasons, Applicants submit that Vaitzblit nowhere discloses a processor that “*executes said first concurrent procedures and said second concurrent procedures in an uninterrupted sequence*” while a context control module “*simultaneously preloads isochronous information*” needed for executing future processes, as recited by Applicants.

With regard to claim 44, “means-plus-function” language is utilized to recite elements and functionality similar to those recited in claims 1 and 21 discussed above. Applicants therefore incorporate those remarks by reference with regard to claim 44. In addition, the Courts have frequently held that “means-plus-function” language, such as that of claim 44, should be construed in light of the Specification. More specifically, means-plus-function claim elements should be *construed to cover the corresponding structure, material or acts described in the specification*, and equivalents thereof. Applicants respectfully submit that, in light of the substantial differences between the cited references

and Applicants' invention as disclosed in the Specification, claim 44 is therefore not anticipated or made obvious by the teachings of the cited references.

Regarding the Examiner's rejection of dependent claims 2-3 and 22-23, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 2-3 and 22-23, so that these claims may issue in a timely manner.

Because a rejection under 35 U.S.C. §102 requires that every claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Vaitzblit to identically teach or suggest the claimed invention, Applicants respectfully request reconsideration and allowance of claims 1-3, 21-23, and 43-44, so that these claims may issue in a timely manner.

Allowability Of Claims 4-20, 24-42, and 45-52

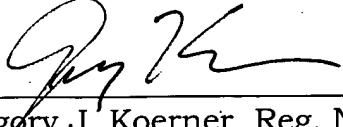
Applicants note that no references of any sort have been cited against Applicants claims 4-20, 24-42, and 45-52 in the present Office Action. It would thus appear that the Examiner considers claims 4-20, 24-42, and 45-52 to contain patentable subject matter since applicable prior art references were apparently not found. Applicants concur. However, claims 4-20, 24-42, and 45-52 are currently subject to various rejections under 35 U.S.C. 112. Applicants therefore respectfully request the Examiner to expressly indicate that claims 4-20, 24-42, and 45-52 are in condition for allowance, contingent upon the withdrawal of the current rejections under 35 U.S.C. 112.

Summary

Applicants submit that the foregoing amendments and remarks overcome the Examiner's objections and rejections. Because the cited reference, or the Examiner's citations thereto, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 1-52 so that the present Application may issue in a timely manner. If there are any questions concerning this Response, the Examiner is invited to contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

Date: 2/27/07

By:   
Gregory J. Koerner, Reg. No. 38,519  
Redwood Patent Law  
1291 East Hillsdale Blvd., Suite 205  
Foster City, CA 94404  
Tel: (650) 358-4000